IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 1459 of 2007(W)

PETITIONER:

P.K. VIJAYAKUMARI,
JUNIOR PUBLIC HEALTH NURSE (HIGHER GRADE)
P.H.C. PAYANGADI, P.O.PAYANGADI,
KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTSMENT
OF HEALTH & FAMILY WELFARE
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICE,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER HEALTH
KANNUR.

BY GOVT.PLEADER SRI.BIJOY CHADRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 1459 of 2007

Dated this the 12th day of January, 2007

JUDGMENT

The petitioner commenced service as Junior Public Health Nurse Grade II in the Health Services Department. Her initial appointment was temporary. Subsequently, she was selected for regular posting and she commenced regular service prior to 24.9.1993. Later, she was promoted to the post of Junior Public Health Nurse Grade I. The request made by her to reckon the provisional service for the minimum purpose of reckoning increment was rejected by the Government vide Ext.P2 order. Junior Public Health Nurses, whose case also came under Ext.P2, filed a writ petition before this Court challenging Ext.P2. As per Ext.P3 judgment, this Court set aside that order and directed that the petitioners therein shall be given the benefit of the provisional service for the limited purpose of reckoning the same for increment. Though the petitioner also is covered by Ext.P2, she could not approach this Court along with those who filed W.P.(C) 21678/2005 which was disposed of by Ext.P3 judgment. It is contended that Ext.P2 has no binding force since the same has been quashed by this Court. Therefore, notwithstanding that the petitioner did not separately

challenge Ext.P2, the respondents cannot fail to give her benefits which are granted to other Junior Health Nurses Grade II, and therefore, she is also entitled to reckon the provisional service for increment. In the above circumstances, she filed Ext.P4 representation before the first respondent. No reply has been received by the petitioner in response to Ext.P4. Hence this writ petition. Since Ext.P2 stands st aside as per Ext.P3 judgment, it is only just and proper that the first respondent takes up for consideration Ext.P4 and deal with the case of the petitioner in the same manner as the petitioners in Ext.P3 judgment. Appropriate orders shall be passed on Ext.P4, within two months from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for information and compliance.

The writ petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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